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*Trudi Thompson*

Trudi Thompson

PATENT

Applicant: **Brown**  
Serial No.: **09/246,603**

Filed: **2/8/99**

Title: **SYSTEM FOR LOCATING  
INFLAMED PLAQUE IN A  
VESSEL**

Examiner: **B. Casler**

Group Art Unit: **3737**

Atty Docket No.: **21120-202**

*HSS  
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9-20-02*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Bruce Canter, represent that I am a patent attorney of record for this invention.

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

This invention is assigned to Volcano Therapeutics, Inc. The assignment is included herewith.

Volcano Therapeutics, Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory period of United States Patent No. 5,871,449 as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,871,449, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantor, its successors or assigns.

Volcano Therapeutics, Inc. does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of United States Patent No. 5,871,449 as presently shortened by any

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TECHNOLOGY CENTER 3700

Inventor: Brown et al.  
Serial No.: 09/246,603  
Group Art Unit: 3737

PATENT  
Atty Docket: 21120-202

terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Any patent granted on this application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 5,871,449, which formed the basis for the double patenting rejection in the present application.

Please charge the disclaimer fee of \$110 to Deposit Account No. 50-1901. The Commissioner is authorized to charge any further fees to Deposit Account No. 50-1901. Any overpayments are also authorized to be credited to this account.

Respectfully submitted,

August 22, 2002



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